

LINDA DELGADO,
Plaintiff,
v.
COMMISSIONER OF SOCIAL SECURITY,
Defendant.

Case No. 1:23-cv-01404-SAB

**ORDER VACATING VOLUNTARY
REMAND PURSUANT TO 42 U.S.C. §
405(g); VACATING JUDGMENT IN
FAVOR OF PLAINTIFF; ORDERING
CLERK OF COURT TO OPEN THIS
ACTION**

SEVEN DAY DEADLINE

On November 15, 2023, the parties filed a stipulation agreeing to a voluntary remand of this matter pursuant to 42 U.S.C. § 405(g) for further administrative proceedings. (ECF No. 9.) The parties submitted a proposed order for the undersigned’s signature requesting that the Clerk of the Court be directed to enter a final judgment in favor of Plaintiff and against Defendant, reversing the final decision of the Commissioner. (*Id.*) Finding good cause, the Court granted the parties’ stipulated request. (ECF No. 10.)

It has come to the Court's attention that not all parties consented to Magistrate Judge jurisdiction and therefore the undersigned could not enter a final judgment in this matter. See 28 U.S.C. § 636. Accordingly, the Court shall vacate its order issued on November 15, 2023 (ECF No. 10) and the judgment entered pursuant to the order (ECF No. 11).

The Court shall allow the parties seven (7) days to consent to Magistrate Judge

1 jurisdiction. If the Court receives consent from all parties, the undersigned will then issue an
2 order granting the voluntary remand and entering judgment in favor of Plaintiff pursuant to the
3 parties' stipulation. The Court will then issue a ruling on Plaintiff's pending unopposed motion
4 for attorney fees pursuant to the Equal Access to Justice Act (ECF Nos. 12, 15) without the need
5 for the parties to re-file the motion.

6 Alternatively, if all parties have not consented to Magistrate Judge jurisdiction upon
7 expiration of the seven-day deadline, the Court shall request a District Judge be assigned to the
8 instant action and issue Findings and Recommendations recommending the case be remanded
9 and judgment be entered in favor of Plaintiff pursuant to the parties' November 15, 2023
10 stipulation (ECF No. 9).

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. The order granting the stipulation for voluntary remand pursuant to 42 U.S.C. §
13 405(g) (ECF No. 10) is VACATED;
14 2. The final judgment entered on November 15, 2023 in favor of Plaintiff (ECF No.
15 11) is VACATED;
16 3. The Clerk of Court is DIRECTED to open the instant action; and
17 4. The parties may consent to Magistrate Judge jurisdiction within **seven (7) days** of
18 entry of this order. If, after seven (7) days, the Court does not receive consent
19 from all parties, the undersigned shall issue Findings and Recommendations to an
20 assigned District Judge recommending the case be remanded to the Commissioner
21 of Social Security and judgment be entered in favor of Plaintiff pursuant to the
22 terms of the parties' November 15, 2023 stipulation (ECF No. 10).

23
24 IT IS SO ORDERED.

25 Dated: February 23, 2024



26
27
28
UNITED STATES MAGISTRATE JUDGE